APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/145,167	09/01/1998	IRENE HU FERNANDEZ	FERN-P004	5652

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/145,167	FERNANDEZ ET AL.
	Examiner	Art Unit
	Akiba K Robinson-Boyce	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114 was filed in this

application after appeal to the Board of Patent Appeals and Interferences, but prior to a

decision on the appeal. Since this application is eligible for continued examination

under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this

application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed

on 8/19/04 has been entered.

Status of Claims

2.   Due to communications filed 8/19/04, the following is a non-final office action.

Claims 1, 9 and 19 have been amended. Claims 1-20 are pending in this application

and have been examined on the merits. The previous rejection has been withdrawn

and the following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Levergood et al. (US Patent 5,708,780), and further in view of

Hoffberg et al. (US Patent 5,774,357).

As per claim 1, Levergood et al. discloses:

a method for enhancing on-line commerce comprising the steps of, (Abstract,

lines 1-4, method for controlling/monitoring access to network servers):

determining by a server an attribute of a client, (Col. 115, lines 9-10 and 15-16,

returning a session identifier that includes a user identifier),

classifying the client in a set according to the attribute, (Col. 115, lines 33-35,

database relating customer information to access patterns);

initiating before a request by any client in such set a message by the server,

(Col. 9, lines 20-24, shows an embodiment where the client is not submitting a request,

but is responding to a prompt, which replaces the client's "dial" command. Once the

client responds to the prompt, Message 1 is initiated).

wherein the message is initiated adaptively or dynamically according to the

attributes of a plurality of clients classified in the set, the classification being contextually

mapped with the initiated message by comparing attributes to classify each client in the

set the set classification being identified in group registry, (Col. 6, line 58-Col. 7, line 14,

preferred account database containing a user profile, Col. 10, lines 24-36, shown that

user is classified in the gold user's group),

the client request comprising an online search query or auction bid, (Col. 9, lines 20-24, shown that a client uses a form page implemented with a conventional browser to provide an identifier to make the request),

whereby a sale or transaction message may be provided to one or more clients classified in the set in response to the client request, (Col. 9, line 41-Col. 10, line 1, sends client a REDIRECT message after the user submits the request),

and one or more sensed client attributes, (col. 10, lines 24-36, shows users belonging to the gold group can access the priority gold page),

in order to bill or charge the client appropriately for the search query or auction bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session identifier is charged for access to the document),

Levergood et al fails to disclose wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Hoffberg et al discloses:

wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an

appliance model number, a multimedia play-back capacity, and entertainment

preference, a budget allowance, and a schedule availability, (col. 82, lines 5-22, shows

digitally representing the image color map information , w/ col. Col. 49, lines 7-12,

shows that colors can be replaced by other display attributes such as intensity,

underline, reverse video, and blinking and pixel dithering pattern, w/ col. 45, line 57-col.

46, line 5, shows that the capacity is considered and can be increased through the use

of image data compression when presenting the digital image). Hoffberg et al discloses

this limitation in an analogous art for the purpose of showing that attributes such as

capacity are used to effect the display of the digital image.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention for at least one of the classified clients comprises an appliance for

enabling digital media play-back interactively between the appliance and the server,

whereby the server may sense one or more appliance attribute from the group

consisting of an appliance model number, a multimedia play-back capacity, and

entertainment preference, a budget allowance, and a schedule availability with the

motivation of showing how attributes can effect the digital image display.

As per claim 2, Levergood et al. discloses:

the attribute comprises a monitored location, time value, selection, condition, or

affiliation associated with the client, (Col. 115, lines 17-18, time value).

As per claim 3, Levergood et al. fails to teach that the attribute is provided by one

or more client sensor, but does disclose a system for controlling and monitoring access

to network servers in the abstract, lines 1-2.

However, Hoffberg et al discloses:

the attribute is provided by one or more client sensor, (Fig. 26, [2602], shows

sensor, Col. 95, lines 64-66, shows a detector for detecting a characteristic of an input

signal). Hoffberg et al discloses this limitation in an analogous art for the purpose of

showing that multiple client sensors are involved in providing the attribute.

It would have been obvious to one of ordinary skill in the art to provide the

attributes by client sensors because this is the type of device needed to provide the

impulse necessary for the detection of client characteristics.

As per claims 4, 5, Levergood et al. discloses:

the attribute is provided in a memory, and the client is classified by comparing

the attribute with another attribute stored in the memory/the client is classified in the set

according to a determined substantial similarity, (Col. 115, lines 9-10, returning a

session identifier and the session identifier includes a use identifier, w/ col. 115, lines

32-34, where the server maintains a database relating customer information to access

patterns).

Levergood et al. doesn't specifically disclose determining a second attribute of a

second or third client, however, this feature is inherent with the system because in a

client-server environment, multiple clients are connected to a server and are

interchangeable. The client that has interactions with the server can be substituted for

another client in the network.

As per claims 6 and 7, Levergood et al. discloses:

determining by the server a second attribute of the client, (Col. 115, lines 17-18

session identifier has an expiration time, where this time represents an attribute);

classifying the client in a second set according to the second attribute, (Col. 115, lines 32-34, shows relating customer information to access patterns);

initiating before a request by any client in such second set/set a second message by the server to one or more clients classified in the second set, (Col. 3, lines 16-20, Col. 9, lines 20-24, shows an embodiment where the client is not submitting a request, but is responding to a prompt, which replaces the client's "dial" command. Once the client responds to the prompt, Message 1 is initiated).

Levergood et al. doesn't specifically disclose determining a second attribute of a second or third client, however, this feature is inherent with the system because in a client-server environment, multiple clients are connected to a server and are interchangeable. The client that has interactions with the server can be substituted for another client in the network.

As per claims 19 and 20, Levergood et al. discloses:

receiving an attribute signal from a first node, (Col. 115, lines 9-10, returning a session identifier);

transmitting the attribute signal to a second node for classifying the first node in a set according to the attribute signal; (Col. 115, lines 32-34, relating customer information to access patterns);

receiving a message signal from the second node /transmitting the message signal to one or more nodes classified in the set, the message signal being initiated before a message request from the first node adaptively or dynamically according to a

plurality of attribute signals and identified in a group registry, (Col. 9, lines 20-24, shows

an embodiment where the client is not submitting a request, but is responding to a

prompt, which replaces the client's "dial" command. Once the client responds to the

prompt, Message 1 is posted to the URL specified by the form page, therefore,

Message 1 is transmitted to the nodes classified by the URL),

the message request comprising an online search query or auction bid, (Col. 9,

lines 20-24, shown that a client uses a form page implemented with a conventional

browser to provide an identifier to make the request)

whereby a sale or transaction message may be provided to one or more nodes

classified in the set in response to the message request, (Col. 9, line 41-Col. 10, line 1,

sends client a REDIRECT message after the user submits the request),

and one or more sensed node attributes, (col. 10, lines 24-36, shows users

belonging to the gold group can access the priority gold page),

in order to bill or charge the first node appropriately for the search query or

auction bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session

identifier is charged for access to the document).

Levergood et al. doesn't specifically disclose determining a second attribute of a

second or third client, however, this feature is inherent with the system because in a

client-server environment, multiple clients are connected to a server and are

interchangeable. The client that has interactions with the server can be substituted for

another client in the network.

Levergood et al fails to disclose wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Hoffberg et al discloses:

wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability, (col. 82, lines 5-22, shows digitally representing the image color map information , w/ col. Col. 49, lines 7-12, shows that colors can be replaced by other display attributes such as intensity, underline, reverse video, and blinking and pixel dithering pattern, w/ col. 45, line 57-col. 46, line 5, shows that the capacity is considered and can be increased through the use of image data compression when presenting the digital image). Hoffberg et al discloses this limitation in an analogous art for the purpose of showing that attributes such as capacity are used to effect the display of the digital image.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of the classified clients comprises an appliance for

enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability with the motivation of showing how attributes can effect the digital image display.

As per claim 8, Levergood et al. discloses:

the message comprises a commercial offering, an application program, a still image, or a video stream, (Abstract, lines 4-7, client views a document transmitted by a browser in a hypertext environment).

5.   Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (US Patent 5,774,357) in further view of Levergood et al. (US Patent 5,708,780)

As per claims 9 and 13, Hoffberg et al. discloses:

an interface, (Abstract, lines 1-4, human interface device),

a processor, (Col. 95, line 61-63, input processor);

and a sensor, (Col. 95, line 64-66, detector for detecting characteristics);

wherein the interface is accessible by a server coupled to a network, (Col. 84, lines 8-25, control),

whereby the processor may provide the network access to a signal generated by the sensor; the interface being classifiable in a set according to the signal, the interface receiving a network signal according to the classified set, the network signal being initiated before a client message request adaptively or dynamically...the classification

being contextually mapped with the network signals and identified in a group registry,

(Col. 25, lines 46-55 and Col. 26, lines 57-67, Col. 9, lines 20-24, shows an embodiment

where the client is not submitting a request, but is responding to a prompt, which

replaces the client's "dial" command. Once the client responds to the prompt, Message

1 is initiated),

the client message request comprising an online search query or auction bid,

(Col. 9, lines 20-24, shown that a client uses a form page implemented with a

conventional browser to provide an identifier to make the request),

whereby a sale or transaction message may be provided to one or more clients

classified in the set in response to the client message request, (Col. 9, line 41-Col. 10,

line 1, sends client a REDIRECT message after the user submits the request),

and one or more sensed client attributes, (col. 10, lines 24-36, shows users

belonging to the gold group can access the priority gold page),

in order to bill or charge the client appropriately for the search query or auction

bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session identifier

is charged for access to the document).

Hoffberg et al. doesn't specifically disclose accessing a second signal generated

by the sensor, however, this feature is inherent with the system because the user

characteristics are determined by signals generated by the client and since there is

more than one characteristic, more than one signal will be generated.

Hoffberg, et al fails to teach according to a plurality of generated sensor signals associated with the classified set, but does disclose a system the following, however Levergood, et al discloses:

according to a plurality of generated sensor signals associated with the classified set, (Col. 6, line 58-Col. 7, line 14, where GET request represents the signal and the classified set represented by client with certain demographic information, Col. 10, lines 24-36, shows users in the "priority gold" class will be directed to the "priority gold" page). Levergood, et al discloses this limitation in an analogous art for the purpose of showing that signals are classified.

It would have been obvious to one of ordinary skill in the art to incorporate the idea of associating the classified set into adaptively or dynamically directing the network signal according to the generated sensor signals because in order to direct these type of signals correctly and efficiently, they need to be classified or grouped in a specific order.

Levergood et al fails to disclose wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Hoffberg et al discloses:

wherein at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability, (col. 82, lines 5-22, shows digitally representing the image color map information , w/ col. Col. 49, lines 7-12, shows that colors can be replaced by other display attributes such as intensity, underline, reverse video, and blinking and pixel dithering pattern, w/ col. 45, line 57-col. 46, line 5, shows that the capacity is considered and can be increased through the use of image data compression when presenting the digital image). Hoffberg et al discloses this limitation in an analogous art for the purpose of showing that attributes such as capacity are used to effect the display of the digital image.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, a multimedia play-back capacity, and entertainment preference, a budget allowance, and a schedule availability with the motivation of showing how attributes can effect the digital image display.

As per claim 10, Hoffberg et al. discloses:

the generated signal represents...a-time value, (Col. 23, lines 51-53, frequency).

As per claims 11 and 12, Hoffberg et al. discloses:

the generated signal is stored in a database and the interface is classified by

comparing the generated signal with another generated signal stored in the

database/the generated signal is compared with the other generated signal to determine

a substantial similarity or recognizable pattern there between, (Col. 95, lines 1-25, a

program database, presenting information based on user characteristic and program

data base).

As per claim 14, Hoffberg et al. discloses:

the network signal comprises a commercial offering, an application program, a

still image, or a video stream, (Abstract, lines 2-4, application program).

As per claim 15, Levergood, et al fails to disclose the sensor comprises a global

positioning satellite system (GPS) receiver for determining a position of the client, but

does disclose a system where a client views a document transmitted by a content

server in the abstract, lines 4-6.

However, Hoffberg et al. discloses:

the sensor comprises a global positioning satellite system (GPS) receiver for

determining a position of the client, (Col. 38, lines 5-19, where it is shown that (x, y) and

(x, y, z) axis pressure sensor in a button conformed to a finger and includes position

sensors for determining the position of a finger or pointer on a display at the client).

Hoffberg et al discloses this limitation in an analogous art for the purpose of showing

that position can be detected.

It would have been obvious to one of ordinary skill in the art to have a sensor that comprises a GPS because it is necessary for one to locate the position of the client in order to determine attributes since this information can change according to location.

As per claim 16, Hoffberg et al. fails to disclose that the interface further comprises a web browser application for accessing the network the following, but does disclose a human interface device that includes a data transmission selector for selecting transmitted programs responsive to an input in the abstract, lines 1-4.

However Levergood et al. discloses:

the interface further comprises a web browser application for accessing the network, (Abstract, lines 1-7, human interface). Levergood et al discloses this limitation in an analogous art for the purpose of showing the utility of web browser applications.

It would have been obvious to one of ordinary skill in the art to have a web browser on an interface because this is the most common type of application used in a client-server environment that makes system interaction and network access easier.

As per claim 17, Levergood et al. fails to teach network access through the web browser application is secured y the sensor determining a genetic identification of a user of the web browser application, but does disclose a system where a client views a document transmitted by a content server in the abstract, lines 4-6.

However, Hoffberg et al. discloses:

network access through the web browser application is secured y the sensor determining a genetic identification of a user of the web browser application, (Col. 13, lines 3-8, shown that genetic learning algorithm used to adaptively segment images,).

Hoffberg et al discloses this limitation in an analogous art for the purpose of showing the initial stage in image recognition.

It would have been obvious to one of ordinary skill in the art for the web browser to determine a genetic identification of a user for marketing and marketing analysis purposes.

As per claim 18, Hoffberg et al. fails to disclose the interface sends a transaction signal in response to the network signal, but does disclose a system where a client views a document transmitted by a content server in the abstract, lines 4-6.

However, Hoffberg et al. discloses:

the interface sends a transaction signal in response to the network signal, (Col. 64, lines 43-56, shows an input signal for a user on the network results in an output relating to the relatedness of an event (transaction)). Hoffberg et al discloses this limitation in an analogous art for the purpose of showing that signals are used to generate responses.

It would have been obvious to one of ordinary skill in the art to send a transaction signal in response to the network signal because this is how one can determine if the attributes were successfully received.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
November 16, 2004

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600